

MELLINGER KARTZMAN LLC

101 Gibraltar Drive, Suite 2F

Morris Plains, New Jersey 07950

Judah B. Loewenstein, Esq.

Tel. (973) 267-0220

jloewenstein@msklaw.net

Attorneys for Steven P. Kartzman, Chapter 7 Trustee



Order Filed on July 14, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In re:

NICHOLAS PEZZA,

Debtors.

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

Case No.: 16-33371 (RG)

Chapter 7

Honorable Rosemary Gambardella

**CONSENT ORDER RESOLVING DISPOSITION OF PROPERTY OF
THE ESTATE AND PAYMENT OF FUNDS TO THE
ESTATE IN LIEU OF TURNOVER PURSUANT TO 11 U.S.C. § 542(a)**

The relief set forth on the following pages is hereby **ORDERED**.

DATED: July 14, 2020

A handwritten signature in cursive script that reads "Rosemary Gambardella".

Honorable Rosemary Gambardella
United States Bankruptcy Judge

Page 2 of 4

Debtor: Nicholas Pezza

Case No.: 16-33371 (RG)

Caption: Consent Order Resolving Disposition of Property of the Estate and Payment of Funds to the Estate in Lieu of Turnover Pursuant to 11 U.S.C. § 542(a)

THIS MATTER having been brought before the Court by Steven P. Kartzman, the Court-appointed Chapter 7 Trustee (the “Trustee”), by and through his attorneys Mellinger Kartzman LLC, on application for the entry of a Consent Order Resolving Disposition of Property of the Estate and Payment of Funds to the Estate in Lieu of Turnover Pursuant to 11 U.S.C. § 542(a), and the Trustee and the debtor, Nicholas Pezza (the “Debtor”) having agreed to amicably resolve the issues on the terms set forth herein, as appears from the signatures of counsel and the Debtor affixed hereto, it is hereby

ORDERED AS FOLLOWS:

1. The Debtor shall to pay to the Trustee the sum of \$9,566.75 (the “Settlement Amount”), to be paid as follows:

- a. \$1,594.46 per month beginning with June 1, 2020, and continuing on the first of each month for a total of six (6) months (the “Monthly Payments”).

2. To the extent that the Debtor fails to pay the required Settlement Amount, the Trustee shall file a certification of default with the Court on notice to the Debtor. Should the Debtor fail to cure the default within ten (10) days of the filing of a certification of default, the Court shall:

- a. Enter a non-dischargeable judgment against the Debtor in an amount 1.5 times the Settlement Amount, less payments made to the Trustee (the “Judgment”); and
- b. Enter an order revoking the Debtor’s discharge pursuant to 11 U.S.C. § 727(d).

Page 3 of 4

Debtor: Nicholas Pezza

Case No.: 16-33371 (RG)

Caption: Consent Order Resolving Disposition of Property of the Estate and Payment of Funds to the Estate in Lieu of Turnover Pursuant to 11 U.S.C. § 542(a)

3. The Debtor shall not have and/or assert any exemption claims as to any funds received by the estate pursuant to this Consent Order.

4. The parties hereto shall execute any and all documents and pleadings reasonably necessary to implement all of the foregoing provisions.

5. The terms of this Consent Order are subject to the Court's approval and the issuance of a Notice of Settlement (the "Notice") and the following:

- (a) If no objection to the Notice is filed, the issuance and docketing of a Certification of No Objection by the Clerk of the Bankruptcy Court; or
- (b) If any objection to the Notice is filed, the overruling of any such objection by this Court.

In the event that an objection to the settlement is filed and sustained, the parties shall be restored to their pre-settlement positions.

6. The parties, and anyone who succeeds to their rights and responsibilities hereunder, including their successors and/or assigns, are bound by this Consent Order. This Consent Order is made for the benefit of the parties and all who succeed to their rights and responsibilities.

7. The Bankruptcy Court shall retain exclusive jurisdiction to adjudicate all matters arising under or in connection with this Consent Order.

8. A copy of this Order shall be served on all interested parties within five (5) days from the date of entry.

Page 4 of 4

Debtor: Nicholas Pezza

Case No.: 16-33371 (RG)

Caption: Consent Order Resolving Disposition of Property of the Estate and Payment of Funds to the Estate in
Lieu of Turnover Pursuant to 11 U.S.C. § 542(a)

*The undersigned hereby consent to
the form and entry of the within Order:*

MELLINGER KARTZMAN LLC
Attorneys for Trustee

DONALD BONOMO, ESQ.
Attorneys for Debtor

By: /s/ Judah B. Loewenstein
JUDAH B. LOEWENSTEIN, ESQ.

By: /s/ Donald T. Bonomo
DONALD T. BONOMO, ESQ.

Dated: May 31, 2020

Dated: May 31, 2020

By: /s/ Nicholas Pezza
NICHOLAS PEZZA, DEBTOR

Dated: May 31, 2020

Certificate of Notice Page 5 of 5

United States Bankruptcy Court
District of New JerseyIn re:
Nicholas Pezza
DebtorCase No. 16-33371-RG
Chapter 7**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 2

Date Rcvd: Jul 16, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 18, 2020.

db +Nicholas Pezza, 488 Dewey Avenue, Saddle Brook, NJ 07663-5904
aty +Michael J. Cavallaro, 25 Lafayette Place, Kearny, NJ 07032-2228Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 18, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 16, 2020 at the address(es) listed below:

Deborah T. Feldstein on behalf of Creditor Christiana Trust as Custodian dfeldstein@caplaw.net
 Denise E. Carlon on behalf of Creditor Deutsche Bank National Trust Company as Trustee for the Holders of New Century Home Equity Loan Trust, Series 2005-A, Asset Backed Pass-Through Certificates dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
 Donald Troy Bonomo on behalf of Debtor Nicholas Pezza dbonomo123@gmail.com, tdr68458@notify.bestcase.com
 Elizabeth L. Wassall on behalf of Creditor U.S. Bank National Association, as Trustee, for Lehman Mortgage Trust Mortgage Pass Through Certificates Series 2006-2 ewassall@logs.com, njbankruptcynotifications@logs.com
 Francesca Ann Arcure on behalf of Creditor Nationstar Mortgage LLC, as servicer for U.S. Bank National Association, as Trustee, for Lehman Mortgage Trust Mortgage Pass Through Certificates Series 2006-2 NJ_ECF_Notices@McCalla.com, NJ_ECF_Notices@McCalla.com
 Joseph R. Zapata, Jr. on behalf of Trustee Steven P. Kartzman jzapata@msklaw.net
 Judah B. Loewenstein on behalf of Trustee Steven P. Kartzman jloewenstein@msklaw.net
 Laura M. Egerman on behalf of Creditor U.S. Bank National Association bkyecf@rasflaw.com, bkyecf@rasflaw.com; legerman@rasnj.com
 Michael A. Artis on behalf of U.S. Trustee U.S. Trustee michael.a.artis@usdoj.gov
 Robert P. Saltzman on behalf of Creditor MTGLQ Investors, LP c/o Rushmore Loan Management Services, LLC dnj@pbslaw.org
 Steven P. Kartzman on behalf of Appraiser A. Atkins Appraisal Corp, kartztee@optonline.net, jzapata@msklaw.net; nj16@ecfcbis.com; jloewenstein@msklaw.net; denisew@msklaw.net
 Steven P. Kartzman on behalf of Trustee Steven P. Kartzman kartztee@optonline.net, jzapata@msklaw.net; nj16@ecfcbis.com; jloewenstein@msklaw.net; denisew@msklaw.net
 Steven P. Kartzman kartztee@optonline.net, jzapata@msklaw.net; nj16@ecfcbis.com; jloewenstein@msklaw.net; denisew@msklaw.net
 U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov
 United States Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 15